

# Exhibit 76

*United States of America ex rel. Ven-a-Care of the Florida Keys, Inc. v. Boehringer Ingelheim Corp. et al.*

Civil Action No. 07-10248-PBS

Exhibit to the July 24, 2009, Declaration of James J. Fauci  
In Support of Plaintiff's Motion for Partial Summary Judgment and  
In Opposition to the Roxane Defendants' Motion For Partial Summary Judgment

WATERER, JUDY ROXUS

From: POWERS, JOHN ROXUS  
 Sent: Tuesday, April 18, 2000 12:19 AM  
 To: WATERER, JUDY ROXUS; SYKORA, ROBERT ROXUS  
 Cc: FELDMAN, RICHARD ROXUS; PAOLETTI, LESLI ROXUS  
 Subject: RE: Furosemide AWP

Judy,

I can appreciate your comments regarding the sensitivity of a significant Furosemide AWP increase at this time. I might add however, that we hold over 200 contracts for Furosemide, many of which are with retail accounts, yet sales are significantly below expected levels. Is it possible a contributing factor for existing customers is the low AWP relative to our competitors?

Thanks,

**John R. Powers**

Director, Contract Operations  
 Boehringer Ingelheim Pharmaceuticals Inc. and Roxane Laboratories, Inc.  
 Phone: 614/351-5445 Fax: 614/276-3786  
 Internet Address: jpowers@col.boehringer-ingelheim.com

-----Original Message-----  
 From: WATERER, JUDY ROXUS  
 Sent: Monday, April 17, 2000 10:42 AM  
 To: SYKORA, ROBERT ROXUS; POWERS, JOHN ROXUS  
 Cc: FELDMAN, RICHARD ROXUS; PAOLETTI, LESLI ROXUS  
 Subject: RE: Furosemide AWP

We'll look into this immediately Bob. As we discussed last week, a significant price increase may be a bit "touchy" right now - especially since it's Furosemide (Mylan problems) and since AWP is what the compendia report with the most accuracy. We'll pull together the documentation, and put a recommendation forward! Let ya know how we do!

Thanks for bringing this to light.

-----Original Message-----  
 From: SYKORA, ROBERT ROXUS  
 Sent: Friday, April 14, 2000 2:18 PM  
 To: WATERER, JUDY ROXUS; POWERS, JOHN ROXUS  
 Cc: FELDMAN, RICHARD ROXUS; PAOLETTI, LESLI ROXUS  
 Subject: furosemide awp

Hello,

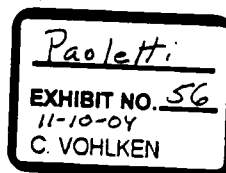
Anthony approached Caremark about furosemide when he heard that they were dissatisfied with their current supplier. Janet Miller of Caremark said she would like to give us the business except our AWP was far too low for it to be profitable for them. Anthony did some research and found out the following.

Lasix 40mg 1000	AWP
Hoescht	241.62

Furosemide 40mg 1000	
Mylan	151.90
Watson	141.90
ZenithGoldline	151.90
Geneva	140.30
Roxane	45.25

This is certainly a hindrance to retail customers wanting to use our product. It would appear that an adjustment to the mid-140's is justified. If we can do this quickly, we can get the Caremark business. Thanks.

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PAOLETTI 01846

TXEX00325

Roxane Furosemide					
Furosemide	Actual WAC	Actual AWP	Av. Contract Price	% Off AWP	% WAC Mark-Up
20mg 1000	\$ 23.11	\$ 38.05	\$ 10.00	35.89%	56%
40mg 1000	\$ 29.01	\$ 45.25	\$ 12.00	35.89%	58%
80mg 500	\$ 43.25	\$ 67.47	\$ 12.00	35.90%	56%

Mylan Furosemide					
Furosemide	Actual WAC	Actual AWP	Av. Contract PRICE	% Off AWP	% WAC Mark-Up
20mg 1000	\$ 89.69	\$ 139.80	\$ 10.00	35.89%	55.98%
40mg 1000	\$ 102.26	\$ 159.50	\$ 12.00	35.89%	55.88%
80mg 500	\$ 137.13	\$ 213.90	\$ 12.00	35.89%	55.98%

Customer Profit		Customer Profit Roxane		Customer Profit Mylan		Customer Profit Competitor	
AWP	Contract	AWP	Contract	AWP	Contract	AWP	Contract
20mg 1000	\$ 38.05	\$ 10.00	\$ 25.24	\$ 15.24	\$ 139.80	\$ 10.00	\$ 97.93
40mg 1000	\$ 45.25	\$ 12.00	\$ 31.88	\$ 19.88	\$ 159.50	\$ 12.00	\$ 111.65
80mg 500	\$ 67.47	\$ 12.00	\$ 55.77	\$ 54.77	\$ 213.90	\$ 12.00	\$ 149.73

SUMMARY COMPARISON	
Spread after Rebate calculated at 30%	
Roxane AWP less 30%	
Mylan AWP less 30%	

Roxane	
AWP	
Adj To	
20mg 1000	\$ (72.70)
40mg 1000	\$ (79.98)
80mg 500	\$ (82.98)

Mylan	
AWP	
Adj To	
20mg 1000	\$ (2.04)
40mg 1000	\$ (8.71)
80mg 500	\$ (26.74)

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TXEX00326